

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE DOE 1, and JANE DOE 2,

Plaintiffs,

vs.

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA,

Defendant.

4:20CV3081

**FIFTH AMENDED
FINAL PROGRESSION ORDER**

THIS MATTER is before the Court on the parties' Joint Motion to Allow Amendment of Expert Disclosures and Extension of Discovery and Expert Designation Deadlines to the Extent Related to Experts. ([Filing No. 98](#).) The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's previous final progression orders remain in effect, and in addition to those provisions, case progression shall be amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss **case progression, the parties' interest in settlement, and the trial and pretrial conference settings** remains as scheduled and will be held with the undersigned magistrate judge by telephone on **May 30, 2024 at 2:00 p.m.** Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 64](#).)
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is **February 29, 2024**. Motions to compel written discovery under Rules 33, 34, 36 and 45 must be filed by **April 12, 2024**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadline for Plaintiffs to amend the expert disclosures of the already designated experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C))), is twenty-one (21) days after receiving the mental health records from Nebraska Medicine.
- 4) The deadline for Defendants to identify and provide complete expert disclosures, including rebuttal, for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C))), is forty-five (45) days after receiving Plaintiffs' amended expert disclosures.

- 5) The deadline for Plaintiffs rebuttal expert disclosures for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), is fifteen (15) days after receiving defendant's rebuttal expert disclosure.
- 6) The deadline for deposition of identified experts, retained and non-retained, including but not limited to depositions for oral testimony only under Rule 45, is **June 30, 2024**. The deposition deadline for non-experts is **April 30, 2024**.
 - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.
 - b. Depositions will be limited by Rule 30(d)(1).
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **July 1, 2024**. The deadline for filing a Brief in Opposition to dispositive motion is **August 1, 2024**.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 1, 2024**.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 22nd day of February, 2024.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge